

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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EUGENIA WEBB, as Administrator *
and Legal Representative of the *
Estate of Eva M. Kinkaid, Deceased, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

* * * * *

Ramon Rodriguez, III, Rawls, McNelis and Mitchell, P.C., Richmond, VA, for
Petitioner;

Justine E. Walters, U.S. Dep't of Justice, Washington, DC, for Respondent.

No. 14-893V

Special Master Christian J. Moran

Filed: March 1, 2016

Attorneys' fees and costs; award in
the amount to which respondent
has not objected

UNPUBLISHED DECISION ON FEES AND COSTS¹

Petitioner, Eugenia Webb, as administrator and legal representative of the estate of Eva M. Kinkaid, filed an unopposed amended application for final attorneys' fees and costs in the above-captioned matter on February 26, 2016. Previously, Ms. Webb submitted a draft application to respondent. In informal discussions, respondent raised objections to certain items. Based on these discussions, petitioner amended her application to request \$26,683.58, an amount to which respondent does not object. The Court awards this amount.

Eva M. Kinkaid filed for compensation on September 23, 2014, alleging that the influenza vaccine she received on November 3, 2011, caused her to suffer from

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

transverse myelitis. Ms. Kinkaid passed away on October 17, 2014, and Eugenia Webb was appointed administrator of her estate. Petitioner received compensation based upon the parties' stipulation. Decision, issued July 21, 2015. Because petitioner received compensation, she is entitled to an award of attorneys' fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$26,683.58**, in attorneys' fees and costs for her counsel. Additionally, in compliance with General Order No. 9, petitioner states that she incurred **\$1,758.04**, in out-of-pocket litigation expenses while pursuing this claim. Respondent has no objection to the amount requested for attorneys' fees and costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$26,683.58, in the form of a check made payable to petitioner and petitioner's attorney, Ramon Rodriguez, III, of Rawls McNelis and Mitchell, P.C., for attorneys' fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$1,758.04, payable to petitioner, Eugenia Webb, as administrator and legal representative of the estate of Eva M. Kinkaid, for costs incurred in pursuit of her petition.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.²

Any questions may be directed to my law clerk, Shannon Proctor, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.